

At a meeting of the Cumberland County Board of Supervisors held at 7:00 p.m. on the 8<sup>th</sup> day of October 2013, at the Cumberland County Circuit Court Room:

Present: William F. Osl, Jr., District 1  
Lloyd Banks, Jr., District 2, Vice-Chairman  
Kevin Ingle, District 3  
David Meinhard, District 4, Chairman  
Vivian Giles, County Administrator / Attorney  
Rachel Falkenstein, Planning Director  
Meghan Allen, Deputy Clerk

Absent: Parker Wheeler, District 5

**1. Moment of Silence and Pledge of Allegiance**

The Pledge of Allegiance was led by Supervisor Meinhard

**2. Approval of Agenda**

On a motion by Supervisor Osl and carried the Board approved the Agenda as amended:

**6. County Attorney/County Administrator**

l) Appropriation \$10,908 Circuit Court Clerk's Office

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye

**3. Public Hearing**

a) CA 13-04 Accessory Structure Setbacks

Planning Director Rachel Falkenstein advised the Board that the Planning Commission recommends unanimously the adoption of CA 13-04 following a public hearing on the matter and full consideration of the need to ensure an un-encroached setback of five feet for utility buildings following a public hearing at which one citizen spoke.

On a motion by Supervisor Osl and carried the Board approved CA 13-04 Accessory Structure Setbacks

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye

b) Lease of County Property 1550 Anderson Highway

County Administrator/Attorney Vivian Giles advised the Board that this property was being leased for use by The Daily Bread, but they could no longer continue using the building. Piedmont Senior Resources has approached the County about filling out the 2013-2014 term of the current lease but would need Board approval to do so.

On a motion by Supervisor Ingle and carried the Board approved the Lease of County Property, 1550 Anderson Highway to Piedmont Senior Resources on the same terms as the current lease.

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye

**4. Public Comments**

There were no citizens signed up to speak.

5. **State and Local Department/Agencies**

- a) Resolution of Appreciation Donald Bishop
- b) VDOT

There was no representative present from VDOT.

- c) Dr. Amy Griffin Superintendent of Cumberland County Schools

Dr. Griffin advised the Board that CTE teacher Angela Whittaker received the 2013 Virginia Conservation Education of the Year Award; Virginia School Board Association Conference is in November and the Cumberland School Board will be attending; Thirteen (13) teachers have applied for the Strategic Compensation Grant; This week is Homecoming Week; High School Freshman, Chase Grubbs is the first golfer to compete in the state competition; The Cumberland County Public School Foundation Walk for Education raised \$3,712.26; October 24<sup>th</sup> is parent-teacher conferences; High School Junior Alexa Massey was selected to have her artwork displayed at Longwood University's new art center; Middle and High School Media Specialist Honor Zalewski had a lesson plan published in the AASL Standards for Twenty-first Century Learner Lesson Plan Database; The Schools are above the expected goal for enrollment; Educator for a Day will be November 13<sup>th</sup>; Community Breakfast will be November 25<sup>th</sup>.

- d) Bright Hope Community Center

Ms. McClinton from the Bright Hope Community Center advised the Board that they are still requesting

real estate tax exemption, they cannot afford to pay taxes and the costs of keeping the building maintained. She felt that having this place has been great at helping the community come together.

**6. County Attorney/County Administrator Report**

a) Consent Agenda

- 1) Approval of Bills for September 2013 and October 2013. Approved bills for October total \$43,473.43. Ratified bills for September warrants total \$381,587.42 with check numbers ranging from 66901-67055. Direct Deposits total \$155,371.44.
- 2) Monthly Budget Report
- 3) Year-end Transfers

On a motion by Supervisor Osl and carried the Board approved the consent agenda with the exclusion of the bill from Piedmont Regional Jail.

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye

On a motion by Supervisor Meinhard and carried the Board approved to withhold payment of the bill received from Piedmont Regional Jail.

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye

b) Approval of Minutes

On a motion by Supervisor Osl and carried the Board approved the minutes.

Vote: Mr. Osl – aye                      Mr. Banks – aye

Mr. Ingle – aye

Mr. Meinhard – aye

c) Appropriation \$6,366 Litter Grant Program

On a motion by Supervisor Ingle and carried the Board approved appropriation of \$6,366 for Litter Grant Program

Vote:

Mr. Osl – aye

Mr. Banks – aye

Mr. Ingle – aye

Mr. Meinhard – aye

d) Appropriation \$638.90 Insurance Reimbursement

On a motion by Supervisor Ingle and carried the Board approved appropriation of \$638.90 for Insurance Reimbursement

Vote:

Mr. Osl – aye

Mr. Banks – aye

Mr. Ingle – aye

Mr. Meinhard – aye

e) Appropriation \$10,262.14 Insurance Reimbursement

On a motion by Supervisor Ingle and carried the Board approved appropriation of \$10,262.14 for Insurance Reimbursement

Vote:

Mr. Osl – aye

Mr. Banks – aye

Mr. Ingle – aye

Mr. Meinhard – aye

f) Appropriation \$389.61 Insurance Reimbursement

On a motion by Supervisor Ingle and carried the Board approved appropriation of \$389.61 for Insurance Reimbursement

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye  
g) Board Committee Appointments

h) SVCC Memorandum of Understanding and Local Match

County Administrator Vivian Giles advised that Southside Community College is requesting a local match from the County in order to receive a grant to assist with G.E.D. Programs for adults.

On a motion by Supervisor Banks and carried the Board approved to appropriate the funds requested by Southside Virginia Community College to include funds to be provided by Cumberland County Public Schools in the amount of approximately \$2,000 for this purpose.

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye

i) Virginia Retirement System VLDP Resolution

County Administrator Vivian Giles advised that the Board that she recommended that the County opt out of the plan with Virginia Retirement System, that some of the private companies are cheaper.

On a motion by Supervisor Banks and carried the Board approved that the County Opt Out of the VRS Disability program and adopt the resolution as follows

**RESOLUTION of the  
CUMBERLAND COUNTY BOARD OF SUPERVISORS  
Irrevocable Election Not to Participate in Virginia Local Disability  
Program**

**WHEREAS**, by enacting Chapter 11.1 of Title 51.1 of the Code of Virginia, the Virginia General Assembly has established the Virginia Local Disability Program (“VLDP”) for the payment of short-term and long-term disability benefits for certain participants in the hybrid retirement program described in Virginia Code § 51.1-169; and

**WHEREAS**, for purposes of VLDP administration, an employer with VLDP-eligible employees may make an irrevocable election on or before September 1, 2013, or November 1, 2013 with extension, request that its eligible employees not participate in VLDP as of the VLDP effective date of January 1, 2014, because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees that meets or exceeds the coverage set out in Chapter 11.1 of Title 51.1 of the Code of Virginia, with the exception of long term care coverage, by January 1, 2014; and

**WHEREAS**, it is the intent of **Cumberland County, Employer Code 55124**, to make this irrevocable election to request that its eligible employees not participate in VLDP;

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that Cumberland County irrevocably elects not to participate in VLDP because it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees; and it is further

**RESOLVED** that, as an integral part of making this irrevocable election, Cumberland County certifies that it has or will establish, and continue to maintain, comparable employer-paid disability coverage for such employees.

Adopted in Cumberland County, Virginia this 8<sup>th</sup> day of October, 2013.

Vote: Mr. Osl – aye                      Mr. Banks – aye  
Mr. Ingle – aye                      Mr. Meinhard – aye

j) Cobb’s Creek Reservoir Authorize Condemnation Proceedings

On a motion by Supervisor Banks and carried the Board approved the prepared resolution amended as follows.

**BOARD OF SUPERVISORS OF THE  
COUNTY OF CUMBERLAND, VIRGINIA**

**RESOLUTION GRANTING CONSENT TO HENRICO COUNTY  
FOR THE COBBS CREEK RESERVOIR AND THE APPOINTMENT OF  
LEGAL  
COUNSEL FOR POSSIBLE CONDEMNATIONS RELATING TO LAND  
ACQUISITION FOR THE COBBS CREEK RESERVOIR PROJECT**

**October 8, 2013**

At a meeting of the Board of Supervisors of Cumberland County, Virginia, in the Circuit Courtroom at Cumberland County, Virginia, commencing at 7:00 p.m., September 10, 2013, the following actions were taken during the meeting of the Board at which time County staff provided input with regard to the above-referenced matter:

On a motion by Supervisor Banks, it was moved that the Board of Supervisors of Cumberland County approve and adopt the following Resolution with regard to the Cobbs Creek Reservoir project;

Following presentation of the Resolution, the Board of Supervisors adopted and approved the Resolution according to the votes stated below:

<u>Present:</u>	<u>Vote:</u>
<b>William F. Osl, Jr.</b>	<b>Aye</b>
<b>Lloyd Banks, Jr.</b>	<b>Aye</b>
<b>Kevin Ingle</b>	<b>Aye</b>
<b>David Meinhard</b>	<b>Aye</b>
<b>Parker Wheeler</b>	<b>Absent</b>

Dated: October 8, 2013

Attested: \_\_\_\_\_

Vivian Seay Giles, Clerk  
Cumberland County  
Board of Supervisors

**WHEREAS**, Cumberland County and Henrico County have entered into a *Memorandum of Understanding*, dated August 10, 2010, to cooperate in the land acquisition for and construction of the Cobbs Creek Reservoir (the “Reservoir”) to meet the current and future needs of Cumberland County, Powhatan County and Henrico County as well as to enhance the James River environment;

**WHEREAS**, pursuant to paragraph six of the *Memorandum of Understanding*, Cumberland County amended its Comprehensive Plan at the Board Meeting on August 13, 2013 to include the proposed Reservoir;

**WHEREAS**, pursuant to paragraph twelve of the *Memorandum of Understanding*, Cumberland County agreed to provide the consent of its Board of Supervisors for the Reservoir pursuant to §15.2-5122 and to commit that Cumberland County will not revoke its consent for any period during which Henrico County wishes to operate or use the Reservoir for its water supply needs;

**WHEREAS**, pursuant to paragraph three of the *Memorandum of Understanding*, Cumberland County agreed to exercise its power of eminent domain to obtain all property and easements Henrico County deems necessary for the Reservoir but is unable to purchase through good faith negotiations with owners, and that Henrico County agreed to reimburse Cumberland County for all reasonable costs, including reasonable attorney's fees, which Cumberland County incurs in acquiring property and easements for Henrico by eminent domain.

**NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors, as follows:**

- a. The foregoing recitals are hereby incorporated by this reference.
- b. In accordance with the terms of the *Memorandum of Understanding*, and pursuant to §15.2-5122 of the Code of Virginia (1950), as amended, the Board of Supervisors of Cumberland County hereby grants its consent to Henrico County for the construction, provision and operation of the Reservoir in Cumberland County based upon the location, character, and extent of the Reservoir as stated and shown in the amended Comprehensive Plan.
- c. In accordance with the terms of the *Memorandum of Understanding*, Cumberland County agrees that it will not revoke its consent to Henrico County for the construction, provision and operation of the Reservoir for any period during which Henrico wishes to operate or use the Reservoir for its water supply needs.
- d. In accordance with the terms of the *Memorandum of Understanding*, Cumberland County hereby authorizes the hiring and appointment of the law firm, Randolph, Boyd, Cherry and Vaughan, to provide legal counsel in conjunction with the County Attorney to Cumberland County in regard to land acquisition for the Reservoir and Cumberland County's possible use of its power of eminent domain to acquire land for the Reservoir. Cumberland County further authorizes Randolph, Boyd, Cherry and Vaughan to institute condemnation proceedings, if necessary, once all statutory prerequisites have been met. In addition, Randolph, Boyd, Cherry and Vaughan is authorized to retain a qualified and experienced right-of-way negotiator to contact the Landowners and make the appropriate offers to purchase the property and easements necessary for the Reservoir which Henrico County was unable to

purchase through prior negotiations. Cumberland County authorizes the hiring of Randolph, Boyd, Cherry and Vaughan and negotiators at rates approved by Henrico County, all fees and costs of such firm and all acquisitions, including fees and costs for a negotiator, to be paid directly by Henrico County pursuant to the *Memorandum of Understanding*. The Chairman of the Cumberland County Board of Supervisors and the Cumberland County Administrator are authorized to execute, together or alone, any and all documentation for these purposes.

Vote:           Mr. Osl – aye                      Mr. Banks – aye  
                  Mr. Ingle – aye                 Mr. Meinhard – aye

k) Appomattox River Gauge

County Administrator Vivian Giles advised the Board that The Town of Farmville is requesting Cumberland contribute to pay for the Appomattox River Gauge.

On a motion by Supervisor Meinhard and carried the Board approved not to contribute any funds to the Appomattox River Gauge.

Vote:           Mr. Osl – aye                      Mr. Banks – aye  
                  Mr. Ingle – aye                 Mr. Meinhard – aye

l) Appropriation \$10,908 Circuit Court Clerk's Office

On a motion by Supervisor Ingle and carried the Board approved appropriation of \$10,908.

Vote:           Mr. Osl – aye                      Mr. Banks – aye  
                  Mr. Ingle – aye                 Mr. Meinhard – aye

7. **Planning Director's Report**

a) Update on Planning Commission Activities

There were no updates for the Planning Commission.

b) County Project update

Rachel Falkenstein Planning Director advised the board that the list of project updates was in the packet and to let her know if they had any questions. She also noted that

8. **Public Comments (Part 2)**

There were two (2) citizens signed up to speak. Their comments for the Board included: Request for the Board to support the Bright Hope Community Center; Thank you to the Board for keeping the citizens informed; And a request to get a representative from Piedmont Regional Jail to explain spending and costs.

9. **Board Member Comments**

Supervisor Ingle commented about a letter received in regards to the Cumberland Volunteer Rescue Squad commending the service that Kasey Basienger and Ben Pfeiffer provided.

Supervisor Meinhard commented that he wanted to thank everyone who came out.

**10. Additional Information**

- a) Treasurer's Report
- b) DMV Report
- c) Recycling Report
- d) Building Inspections Report

**11. Adjourn - Public Meeting Thursday, October 10, 2013**

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David Meinhard, Chairman

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Vivian Giles, County Administrator